

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES BURNS

v.

WAYNE GAVIN, *et al.*

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CIVIL ACTION

No. 12-2006

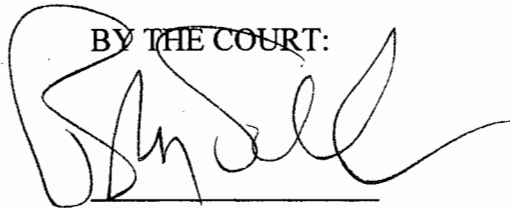
**ORDER**

AND NOW, this 12 day of February, 2013, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Response, inclusive of all exhibits thereto, the other documents filed by the parties, and after review of the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED without an evidentiary hearing; and
3. Petitioner has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this Court's disposition of his claims. Consequently, a certificate of appealability is DENIED.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Berle Schiller', written over a horizontal line.

BERLE SCHILLER, J.